

## REMARKS/ARGUMENTS

### 1.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner has maintained the rejection of claims 26-39, 46 and 47 as being unpatentable over Sampath in view of Moose (U.S. Patent Publication No. 2002/0065047). The Applicants, again, traverse the rejections.

Claim 26 recites:

26. A method in a receiver unit to receive communication signals from a transmitter unit via a multi-path channel, said method comprising the steps of:  
     estimating parameters of a channel filter function of said channel from said received communication signals from the transmitter unit;  
     sub-dividing the channel filter function into two or more parts, a function of which representing an approximation of the estimated full channel filter function;  
     representing the complex parameters of at least a selection of said parts of the channel filter function as actual parameter values, or as incremental values indicating the difference to a reference value; and,  
     composing a channel measurement message to be transmitted to the transmitter unit of a portion including said parameter representations and a portion indicating the manner of representing said parameters. (emphasis added)

As recited in claim 26, the Applicants invention is directed to a method in a receiver unit to receive communication signals from a transmitter unit via a multi-path channel. Parameters of a channel filter function are estimated as a function of communication signals received from the transmitter unit, performing additional processing functions, then composing a channel measurement message to be transmitted from the claimed receiver to the transmitter unit that transmitted the received signal on which the channel measurement message is based. The processing functions include: sub-dividing the channel filter function into two or more parts, a function of which representing an approximation of the estimated full channel filter function; and, representing the complex parameters of at least a selection of said parts of the channel filter function as actual parameter values, or as incremental values indicating the difference to a reference value. That combination of functions is not taught by Sampath and Moose, either individually or in combination.

### **Examiner's Response to Arguments**

In responding to Applicants prior arguments, the Examiner merely asserts that "Applicant argues . . . [that] Sampeth does not disclose sub-dividing the channel filter function into two or more parts, a function of which representing an approximation of the estimated full channel filter function," which the Examiner then asserts is taught with respect to Figures 5 and 6 of Sampeth. The Examiner's response fails to address Applicants' arguments in two respects.

**First**, in the Examiner's stated reasons for the rejection of claim 26, in both the prior and present office action, he refers to paragraphs 26, 27 and 28 to support his assertion that that limitation of claim 26 is taught by Sampeth. In response, the Applicants previously noted that no teaching (as confirmed by an electronic search) can be found in Sampeth relating to "sub-dividing [a] **channel filter function** into two or more parts, a function of which representing an approximation of the estimated full channel filter function." Although the Examiner notes that the Applicants "are reminded that the rejection is made based on the entire content of the cited prior art," the Applicants wish to remind the Examiner that it is the duty of the Examiner to establish a *prima facie* case of obviousness. The Examiner's reliance in the present, final, office action on Figures 5 and 6, however, fails to cure the previously-noted deficiency of Sampeth; nothing in Figures 5 and 6, or the description relating thereto, appears to teach sub-dividing a channel filter function into two or more parts, a function of which representing an approximation of the estimated full channel filter function.

**Second**, the Examiner's "Response to Arguments" in the present office action wholly fails to address the additional argument posited by the Applicants in the prior response. As previously noted, the Examiner has relied solely on the teachings of Sampeth except with respect to the claim limitation relating to "incremental values indicating the difference to a reference value." Although the Examiner asserts that Sampeth discloses "a method in a **receiver** unit" (emphasis added), he then proceeds to map the elements of claim 26 onto various portions of Sampeth that relate to a **transmitter**. For example, with respect to the claimed function of "sub-dividing the channel filter function into two or more parts," which is performed in the claimed **receiver**

unit, the Examiner states that Sampeth, in paragraph 26, “explains that the base station controller 102 controls the transmit antenna 111 to transmit a signal . . .” (emphasis added) The Examiner then proceeds to twice repeat various statements<sup>1</sup> regarding the teachings of Sampeth (referring to paragraphs 27 and 28 thereof), without connecting such teachings to any particular element of claim 26. The Examiner has not responded to the foregoing arguments, previously submitted by the Applicants, and, therefore, still has not established a *prima facie* case of obviousness of claim 26.

Whereas independent claim 46 recites limitations analogous to those of claim 26, it is also not obvious over Sampeth in view of Moose. Furthermore, whereas claims 27-39 and 47 are dependent from claims 26 and 47, respectively, and include the limitations thereof, they are also not obvious in view of those references.

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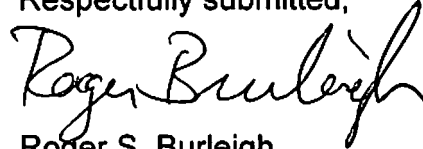
<sup>1</sup> See page 4 of the prior and present office actions, wherein the Examiner repeats that “paragraph #27 explains that . . .” with respect to different claim limitations, as well as repeats “paragraph#28 explains that . . .” with respect to further different claim limitations.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 26-39, 46 and 47.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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